IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 3RD APRIL 2007 / 13TH CHAITHRA 1930

WP(C).No. 2857 of 2007(M)

PETITIONER:

GEORGE CUMMAR, S/O.CHUMMAR,
PUTHUSSERY (H),
CHOWARA P.O., PIN-683571.

BY ADV. SRI.RENIL ANTO KANDAMKULATHY

RESPONDENTS:

---

1. ALOOR GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY,
P.O.ALOOR, THRISSUR DISTRICT.

2. SULAIMAN, S/O.KUNJUMON,
ULLISSERY HOUSE, KALLETTUMKARA VILLAGE,
KALLETTUMKARA, THRISSUR DISTRICT.

3. KRISHNANKUTTY E.,
S/O.KRISHNANKUTTY MENON,
KALLETTUMKARA VILLAGE,
KALLETTUMKARA, THRISSUR DISTRICT.

R2 BY ADV. SRI.RENJITH THAMPAN
& SMT.P.A.ANITHA
R1 BY ADV.SRI.PHILIP T.VARGHESE
& SRI.THOMAS T.VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No.2857 of 2007 M

Dated this the 3rd day of April, 2007.

JUDGMENT

Mr.Renjith Thampan, who is appearing for the 2nd respondent, who is said to be the tenant in the building submits that the writ petition is a collusive action between the landlord and the panchayat. Mr.Renil Anto Kandamkulathy, counsel for the petitioner takes strong exception pointing out that the petitioner is not in India at all. Mr.Philip T.Varghese, counsel for the panchayat submits that the panchayat became obliged to take action when a complaint was received from the 3rd respondent and the enquiry conducted pursuant to that complaint revealed that the building was standing in a dangerous condition. Mr.Philip T.Varghese has

brought a photograph to show the condition of the building. He also submits that neither the petitioner nor the 2nd respondent, who claims to be the tenant, are in India and the 2nd respondent is not in actual physical possession of the building.

2. The only prayer in the writ petition is to direct the 1st respondent panchayat to produce the records which led to the issuance of Ext.P2. Mr.Philip submits that the only record which led to the issuance of Ext.P2 demolition order was the complaint Ext.P1 and the report of the Executive Engineer, Building Division, Thrissur Ext.P2(2).

3. Considering the contentions addressed before me, I am of the view that it is not necessary to grant the

relief sought for by the writ petitioner since Exts.P1 and P2(2) have already been produced by the petitioner. However, the grievance of the tenant that, being a person in actual occupation of the building, notice should have been issued on him, has some genuineness. But the stand of the Panchayat is that it will be difficult for the panchayat to serve the order on the 2nd respondent who is allegedly not in India.

4. Under these circumstances, I dispose of this writ petition without granting the relief sought for by the petitioner, but directing the counsel for the panchayat to serve copies of the demolition order on the 2nd respondent Ext.P2 on Mr.Renjith Thampan. If copies are served on him, it will be treated as

sufficient service on the 2nd respondent himself. If the 2nd respondent is aggrieved, he is free to have his statutory remedies, provided he avails them of within three weeks from today.

Sd/-
(PIUS C. KURIAKOSE)
JUDGE

sk/

//true copy//

P.S. To Judge

PIUS C. KURIAKOSE, J.

W.P.(C) No.2857 of 2007 M

JUDGMENT

3rd April, 2007.